



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

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MEMORANDUM

SUBJECT: Headquarters Comments on California Final Underground Injection Control (UIC) Program -- Response to September 28, 1982 letter Lau to Mefferd

FROM: Phillip Tate
State Programs Division (WH-550)

TO: Bill Thurston
Region IX

The Headquarters Underground Injection Control (UIC) Primacy Review Team met on November 3, 1982, to review the responses of September 28, 1982, from Mr. Mefferd of the CDOG to Mr. Lau of Region IX. The Review Team consisted of Todd Gulick, Alan Morrissey, Don Olson, Phillip Tate, Jentai Yang, Francoise Brasier, and Roger Anzzolin.

Except for comment Nos. 2 and 4 where some concern remains the Review Team was satisfied by the State's response.

Comment 1: The State's response is adequate.

Comments 2 and 4:

The Review Team would like assurance from the Attorney General that:

- 1) The State can enforce the conditions set out in the letter of approval;
- 2) Compliance with the letter of approval does not relieve the operator from compliance with the regulations or the statute.

NOTE: The examples in attachment 3, September 28, 1982 submittal refer to action taken "to enforce provisions of the California Administrative Code" (letter to Mr. Frank Pell January 20, 1982) and the division of Oil and Gas Regulations (letter to Mr. P. F. Patterson, April 10, 1979.)

If the Attorney General can give us these assurances we can consider that the project plan approval letter constitutes a permit. The requirement to submit a "Notice of intent to drill" and subsequent action by the Director would then be similar to the Federal regulations provision of §122.41(c) and would not pose any problem.

Comment 3: The response is adequate.

Comments 5, 6, 7:

The State has demonstrated to the satisfaction of the review team that its enforcement mechanisms combined with an aggressive inspection program constitute an effective program to protect underground sources of drinking water.

Comment 8: The response is adequate.